

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

GERARD JERRY SPEZIALE,

Plaintiff,

v.

PORT AUTHORITY OF NEW
YORK/NEW JERSEY, et al.,

Defendants.

**Civil Action No. 2:14-cv-02890 (MCA)
(LDW)**

MEMORANDUM OPINION & ORDER

LEDA DUNN WETTRE, U.S.M.J.

Before the Court is defendant David Wildstein's unopposed motion for leave to file an amended answer (ECF No. 36). Defendant Wildstein seeks only to add a single affirmative defense, as follows: "Plaintiff in applying for employment with the Port Authority misrepresented and/or failed to disclose that he was barred from discharging the duties of his position that involved firearms, although Plaintiff knew he was not permitted to exercise such duties because of his alleged disability." (ECF No. 36-2 ¶ 15).

Rule 15(a)(2) of the Federal Rules of Civil Procedure provides that a court should "freely give leave [to amend] when justice so requires." Fed. R. Civ. P. 15(a)(2). Leave to amend is liberally granted in light of "the principle that the purpose of pleading is to facilitate a proper decision on the merits." *Foman v. Davis*, 371 U.S. 178, 182 (1962). The United States Supreme Court has held that leave to amend under Rule 15 may be denied in cases of: (1) undue delay; (2) bad faith or dilatory motive; (3) undue prejudice; or (4) futility of amendment. *See id.* at 182. None of the circumstances that warrant denying amendment exists here.

Defendant Wildstein makes his request early in the discovery period, with fact discovery remaining open through October 30, 2015. (See Joint Pretrial Scheduling Order, ECF No. 28). Defendant Wildstein's motion to amend also was filed within the deadline set by this Court on May 21, 2015. (See Amended Scheduling Order, ECF No. 35). Finally, there has been no contention by any party that his proposed amendment would present any danger of unfair prejudice or would be futile.


For the reasons set forth above, and for good cause shown,

IT IS on this day, July 7, 2015:

ORDERED, that defendant David Wildstein's motion for leave to file an amended answer is hereby **GRANTED**; and it is further

ORDERED, that defendant David Wildstein shall file the Amended Answer no later than July 13, 2015; and it is further

ORDERED, that ECF No. 36 is hereby terminated.


Leda Dunn Wettre, U.S.M.J.

cc: Hon. Madeline C. Arleo, U.S.D.J.